

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

2008 SEP -8 AM 10:46

UNITED STATES OF AMERICA,

Plaintiff,

v.

Oscar CARRILLO-Meza,

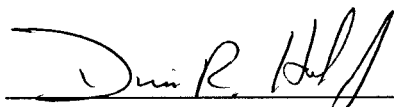
Defendant(s)

) Magistrate Case No. **'08 MJ 2765**
) CLERK U.S. DISTRICT COURT
) SOUTHERN DISTRICT OF CALIFORNIA
) **COMPLAINT FOR VIOLATION OF** DEPUTY
) Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii)
) Transportation of Illegal
) Aliens

The undersigned complainant, being duly sworn, states:

On or about **September 5, 2008**, within the Southern District of California, defendant **Oscar CARRILLO-Meza** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Catalina MARTINEZ-Dominguez, Leslie TELLES-Garrido, and German FIGUEROA-Lopez** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

Dwain R. Holmes Jr.
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **8th** DAY OF **SEPTEMBER, 2008.**



Louisa S. Porter

UNITED STATES MAGISTRATE JUDGE

NOA
9/5/08
KNA

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

Furthermore, the complainant states that **Catalina MARTINEZ-Dominquez**, **Leslie TELLES-Garrido**, and **German FIGUEROA-Lopez** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On September 5, 2008, at approximately 11:30 A.M., Supervisory Border Patrol Agent K. Krall, observed a grey GMC pickup w/a camper shell traveling westbound on Interstate 8 just east of the Japatul/Hwy 79 exit. As agent Krall approached the vehicle, in an unmarked government vehicle, he observed that the vehicle appeared to be heavily laden as if it was carrying a heavy cargo. The vehicle bounced and swayed back and forth as it traveled over smooth surfaces, this is a common characteristic of vehicle being used to smuggle human cargo. Agent Krall also noticed that the rear window of the camper shell was painted from the inside; this is a common tactic of both alien smugglers and illegal drug smugglers, to obscure the view into the vehicle's cargo compartment. As Agent Krall pulled along side the vehicle, he noticed that the passenger appeared to be disheveled and nervous. Interstate 8 is the major thoroughfare that runs east/west from the border area and is a common corridor used by alien smuggling organizations in order to evade apprehension. Alien smuggling organizations also utilize I-8 to further their illegal alien's entry into the interior of the United States. Agent Krall also noticed that the driver was talking on a cell phone. As Agent Krall passed the pickup the driver slowed down to a speed well below the speed limit of 70 miles an hour, by this time Agent Krall was approaching the East Willows Rd. off ramp and exited the freeway so that he could again get behind the pickup and run record checks.

Once Agent Krall returned to the freeway, he contacted Sector Communications and requested record checks on California Plate. Agent Krall also requested the assistance of a Marked Border Patrol Unit to assist in an enforcement stop on the aforementioned pickup. Dispatch contacted other units that were in the area and agent Krall continued to follow the pickup until the marked units could take over for the enforcement stop. Border Patrol Agent T. Jackson was waiting for Agent Krall at the I-8/Main Street on ramp in El Cajon, California. At this time Agent Jackson became the primary vehicle and another marked unit was his backup. Agent Krall continued to follow at a distance.

Agent Jackson in his marked agency vehicle began to follow the target vehicle westbound on I-8 and then south on State Route 125. The GMC truck proceeded to the Spring Street exit off SR-125 south. Once the vehicle exited SR-125, Agent Jackson activated his marked agency vehicle emergency equipment (siren & emergency lights which were fully functional) in an attempt to effect an immigration vehicle stop. Agent Jackson attempted to communicate to sector dispatch that he was initiating a vehicle stop but was unable to make contact with dispatch. The GMC truck continued to flee eastbound on Spring Street disregarding Agent Jackson lights and siren. Agent Jackson continued to follow the vehicle eastbound on Spring Street and south on Finley Street, until the vehicle driver bailed out at the intersection of Finley Street and Third Ave. in La Mesa, California. Agent Jackson observed the driver of the GMC truck later identified as the defendant **Oscar CARRILLO-Meza** exit the driver side door of the vehicle and run east on Third Ave while the GMC truck was still in motion. It should be noted that Finley St. and Third Ave. are residential streets and the potential for injury to the public is heighten because of the presence of neighborhood children. Upon arrival to the GMC truck Agent Jackson noticed the vehicle's transmission gear was still engaged in drive with ten suspected illegal aliens lying down in the rear truck compartment and one subject in the passenger seat. Agent E. Hernandez was the first unit to arrive on the scene and after a brief foot pursuit was able to detain **CARRILLO**. Agent Jackson identified himself as a United

CONTINUATION OF COMPLAINT:**Oscar CARRILLO-Meza**

States Border Patrol Agent to the eleven occupants of the GMC truck and questioned them as to their citizenship status. All eleven subjects stated they were citizens and nationals of Mexico illegally present in the United States without any immigration documents that would allow them to enter or remain here legally. Agent Hernandez identified himself as a United States Border Patrol Agent to the driver of the vehicle **CARRILLO** and questioned him concerning his citizenship status. **CARRILLO** stated he was a citizen and national of Mexico illegally present in the United States without any immigration documents that would allow him to enter or remain here legally. All subjects were arrested and transported to the El Cajon Border Patrol Station for further processing.


DEFENDANT STATEMENT:

The defendant was advised of his Miranda Rights and indicated that he understood his rights and did not want an attorney before providing the Agents with a statement. The defendant stated that he was a citizen and national of Mexico without valid immigration documents to enter or remain within the United States legally. The defendant stated that an unknown man crossed him and the rest of the group through the mountains. He stated the guide led the group to an unspecified location and waited for a vehicle to arrive. He stated two vehicles arrived to pick him and the group up. Once the vehicle arrived they were loaded into a truck. The defendant stated he was asked to drive the truck for a discount price on the smuggling fee. He stated he was going to be charged \$2,200.00. The discount price was \$800.00. He agreed to drive the vehicle. The defendant stated he saw and heard the marked Border Patrol vehicle lights and siren behind him but did not stop because he was afraid. He stated that he was unfamiliar with the area he was traveling in but decided to continue driving. He stated once he stopped the truck he exited the vehicle and began to flee from the truck. The defendant stated that he knew the individuals in the truck were illegally in the United States. He further stated that he knew he was placing the occupants of the truck life in danger by not stopping. He was found to have \$384.00 US Dollars and \$464.50 Mexican Pesos in his possession when he was arrested he was questioned concerning this funds and admitted to using a portion the monies to purchase food for the smuggled aliens. The \$384.00 US Dollars and \$464.50 Mexican Pesos are being seized and processed for forfeiture.

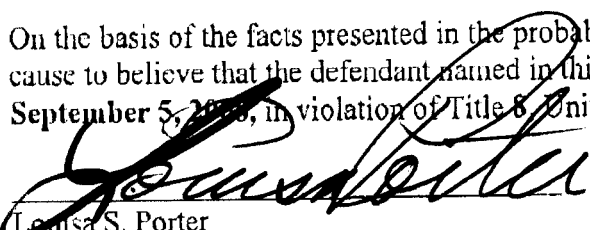
MATERIAL WITNESSES STATEMENTS:

Material witnesses **Catalina MARTINEZ-Dominquez**, **Leslie TELLES-Garrido**, and **German FIGUEROA-Lopez** agree in summary that they are citizens and nationals of Mexico illegally present in the United States. They admit to not being in possession of immigration documents that would allow them to be in or remain in the United States legally. The material witnesses stated that they were to pay between \$2,000 and \$2,200 (USD) to be smuggled into the United States. Material witnesses **Catalina MARTINEZ-Dominquez** and **German FIGUEROA-Lopez** were able to positively identify the defendant **Oscar CARRILLO-Meza** as a foot guide and driver of the vehicle through a photographic lineup.

Executed on September 6, 2008, at 9:00 a.m.


Tomas M. Jimenez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 3 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on September 5, 2008, in violation of Title 8, United States Code, Section 1324.


Louisa S. Porter
United States Magistrate Judge

9/7/08 11:20AM
Date/Time